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| APPLICATION NO.       | FILING DATE   | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.      | CONFIRMATION NO. |
|-----------------------|---------------|----------------------|--------------------------|------------------|
| 10/815,550            | 04/01/2004    | Lydia Chase          | 14622-026001             | 7158             |
| 5073                  | 7590          | 12/07/2009           |                          |                  |
| BAKER BOTTS L.L.P.    |               |                      | EXAMINER                 |                  |
| 2001 ROSS AVENUE      |               |                      | CHEUNG, MARY DA ZHI WANG |                  |
| SUITE 600             |               |                      |                          |                  |
| DALLAS, TX 75201-2980 |               |                      | ART UNIT                 | PAPER NUMBER     |
|                       |               |                      | 3694                     |                  |
|                       |               |                      |                          |                  |
| NOTIFICATION DATE     | DELIVERY MODE |                      |                          |                  |
| 12/07/2009            | ELECTRONIC    |                      |                          |                  |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ptomail1@bakerbotts.com  
glenda.orrantia@bakerbotts.com

|                              |                        |                     |
|------------------------------|------------------------|---------------------|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |
|                              | 10/815,550             | CHASE ET AL.        |
|                              | <b>Examiner</b>        | Art Unit            |
|                              | MARY CHEUNG            | 3694                |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

- 1) Responsive to communication(s) filed on 11 August 2009.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

- 4) Claim(s) 1-3-24 and 26-37 is/are pending in the application.
- 4a) Of the above claim(s) 17-23 and 32-35 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1,3-16,24,26-31,36 and 37 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Status of the Claims***

1. This action is in response to the applicant's filing on August 11, 2009. Claim 1, 3-24 and 26-37 are pending. Claims 2 and 25 are canceled. Claims 36-37 are added. Claims 17-23 and 32-35 are withdrawn. Claims 1, 3, 6, 8-10, 13-14, 24, 26-29 and 31 are amended. Claims 1, 3-16, 24, 26-31 and 36-37 are examined below.

### ***Response to Arguments***

2. Applicant's arguments filed August 11, 2009 have been fully considered but they are not persuasive.

The applicant argues that Gendler discloses the number of approvals needed will change depending on the scope of the project not "data item type determined for each request is based on a type of service included within the request" as claimed in the independent claims. The examiner respectfully disagrees. The number of approvals in Gendler's teaching refer to different types of roles that are categorized by three different data item types: business manager, business unit controller, and business executive (see column 8 lines 9-25 and Fig. 5). Based on the type of the service (i.e. large project) that the user requesting, different types of roles will be selected (see column 8 lines 9-25). Thus, Gendler clearly teaches the claimed limitation.

Regarding rejections for claim 6-7, 13 and 26-27, the applicant denies the rejection without offering argument or evidence to refute the rejection. This fails to comply with 37 CFR 1.111(b) because applicant's arguments amount to a general allegation that the claims define a patentable invention without distinctly and specifically

pointing out the supposed errors in the examiner's action. Therefore, the last rejections are accordingly repeated and made final.

The applicant attempts at traversing the Official Notice findings as stated in the previous Office Action mailed on May 29, 2009 is inadequate. Adequate traversal is a two step process. First, Applicant(s) must state their traversal on the record. Second and in accordance with 37 C.F.R. §1.111(b) which requires Applicant(s) to specifically point out the supposed errors in the Office Action, Applicant(s) must state *why* the Official Notice statement(s) are not to be considered common knowledge or well known in the art. In this application, while the applicant has clearly met step (1), Applicant(s) have failed step (2) since they have failed to argue *why* the Official Notice statement(s) are not to be considered common knowledge or well known in the art. Because Applicant(s)' traversal is inadequate, the Official Notice statement(s) are taken to be admitted as prior art. See MPEP §2144.03. However, for the purpose of compact prosecution, the examiner has provided prior art as evidence to support her position.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 3-5, 8-12, 24 and 28-29 are rejected under 35 U.S.C. 102(e) as being anticipated by Gendler, US 7,321,864 B1.

As to claim 1, Gendler teaches a method performed on a computer for submitting requests for approval relating to management of real property, the method comprising (column 1 lines 44-51):

- receiving an indication of at least one request for approval to perform a service at a real property, with the indication received through a user interaction with a form presented on a user interface of a client device associated with a requesting user (column 8 lines 3-30 and Figs. 4-5, 13A);
- determining, for each request, at least one data item type to be provided by the requesting user, wherein: the at least one data item type determined for each request is based on a type of service included within the request (column 8 lines 3-30 and Fig. 5); and
- communicating an indication of the at least one data item type for each request for approval for display on the user interface of the client device associated with the requesting user (column 8 lines 3-37).

As to claim 3, Gendler teaches wherein the user interaction with the form presented on the user interface comprises a user selection of at least one service from a menu of possible services (Figs. 2-5).

As to claim 4, Gendler teaches wherein the menu comprises a pull-down menu (column 8 lines 23-25).

As to claim 5, Gendler teaches wherein the services in the menu of possible services are customizable in accordance with requirements of an owner of the real property (Figs. 2-5 and associated text).

As to claim 8, Gendler teaches wherein the approval relates to a reimbursement of costs associated with the service, with the reimbursement provided by the receiving entity to the managing entity (Fig. 12 and associated text).

As to claim 9, Gendler teaches the at least one data item type is selected from a predefined set of data item types identified on the form (column 8 lines 17-25).

As to claim 10, Gendler teaches the form includes, for each service, a data entry field for each data item type in the predefined set of data item types and the indication of the at least one data item type for each service comprises an indication of the data entry fields to be completed by the requesting user (Fig. 5).

As to claim 11, Gendler teaches the predefined set of data item types include at least one of a quantity, a size, an explanation, or a cost (column 9 lines 55-57 and Fig. 6).

As to claim 12, Gendler teaches the predefined set of data items are customizable in accordance with requirements of an owner of the real property (column 9 lines 55-57 and Fig. 6).

Claims 24 and 28-29 are rejected for the same rationale as used in claims 1-2 and 9-10.

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 6-7, 13, 26-27 and 36-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gendler, US 7,321,864 B1.

As to claims 6-7 and 26, Gendler discloses the claimed invention, as discussed above, except for the service relates to preservation and protection of the real property, and wherein the preservation and protection of the real property relate to a conveyance of the real property to a receiving entity different from a managing entity that manages the preservation and protection. It would have been an obvious matter of design choice to modify the teachings of Gendler to perform services including relate to preservation and protection of real property. Since the applicant has not disclosed that service relate to preservation and protection of real property solves any stated problem in a new or unexpected way or is for any particular purpose which is unobvious to one of ordinary skill and it appears that the claimed feature does not distinguish the invention over similar features in the prior art since, the teachings of Gendler will perform the invention as claimed by the applicant with any means, method, or product to service relate to preservation and protection of the real property.

As to claims 13 and 27, Gendler teaches allowing the user to create project details and allowing the project manager to create bid package including special instructions (see Figs. 4-5, 9 and associated text). Gendler does not specially teach the

indication of the at least one data item type includes an indication that the requesting user is to provide a specified number of bids for the service, further comprising: allowing a submission of the form with less than the specified number of bids for the service; and allowing the requesting user to subsequently retrieve the form and provide at least one additional bid. It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow to the project details in Gendler's teaching to include restrictions for number of bids for better manage the information received that relate to the project (Examiner Note: the steps of "allowing" are intended uses or capabilities and not positive limitations. See *In re Schreiber*, 44 USPQ 2d 1429, and *In re Collier*, 158 USPQ 266).

As to claim 36-37, Gendler teaches the at least one data item type is determined from a group of data item types (column 8 lines 9-25 and Fig. 5). Gendler does not specifically teach the group of data item types comprising quantity, dimensions, comments, and amount. It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the group of data items types in Gendler's teaching to include various types of data for better meet the user's request for approval.

7. Claims 14 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gendler, US 7,321,864 B1 in view of Official Notice now admitted prior art and evidenced by Leitch et al., US 2007/0179790 A1.

As to claims 14 and 31, Gendler teaches receiving data items from the requesting user; comparing each request and the corresponding data items received from the requesting user with data relating to approval guidelines; and determining

whether the request should be approved based on the comparison (column 8 lines 26-59). Gendler does not specially teach the determination process is automatic. The examiner takes Official Notice that it is well known in the art to determine whether to approve a request based on a comparison can be done automatically. Examiner is now providing prior art Leitch as an evidence to support the Official Notice. Leitch teaches automatic determining process based on comparing the received data and pre-stored rules (¶ 55 and Figs. 1, 8). It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the determination process in Gendler's teaching to be done automatically for expedite the approval time.

8. Claims 15-16 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gendler, US 7,321,864 B1 in view of Official Notice now admitted prior art and evidenced by Hunter et al., US 2002/0040313 A1.

As to claims 15-16 and 30, Gendler teaches submitting various types of information for request for approval (Figs. 4-6). Gendler does not specially teach each request for approval comprises a request for an extension to a deadline, and wherein the at least one type of data item is selected from a predefined set of data item types identified on the form and the predefined set of data item types includes at least one of a date and an explanation. The examiner takes Official Notice that it is well known in the art to request extension to a deadline, wherein the request including at least one of date and an explanation for the extension. Examiner is now providing prior art Hunter as an evidence to support the Official Notice (see Hunter ¶ 30, 33, 51). It would have been obvious to one of ordinary skill in the art at the time the invention was made to

allow to the request submitted in Gendler's teaching to include a request for extension, and the request including at least one of date and explanation for the extension so that the user can better manage the project in case of unexpected events.

***Conclusion***

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

***Inquire***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARY CHEUNG whose telephone number is (571)272-6705. The examiner can normally be reached on Monday – Thursday from 10:00 AM to 7:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell, can be reached on (571) 272-6712.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

The fax phone numbers for the organization where this application or proceedings is assigned are as follows:

(571) 273-8300 (Official Communications; including After Final Communications labeled "BOX AF")  
(571) 273-6705 (Draft Communications)

/Mary Cheung/  
Primary Examiner, Art Unit 3694  
December 2, 2009